

**Docket No.:** T10-0093  
2<sup>nd</sup> Supp.  
**Bench Date:** 07/09/2014  
**Deadline:** N/A

**MEMORANDUM**

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**TO:** The Commission

**FROM:** Timothy E. Duggan, Administrative Law Judge

**DATE:** June 19, 2014

**SUBJECT:** Illinois Central Railroad Company, Ridgeland Township, and the State of Illinois, Department of Transportation.

Stipulated Agreement regarding improving public safety at the 200E (TR 14) highway-rail grade crossing of the Company's track near Thawville, in Iroquois County, Illinois, designated as crossing AAR/DOT #289 306F, railroad milepost 87.80-D.

**RE:** Enter Second Supplemental Order authorizing a re-obligation of GCPF assistance.

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On August 5, 2013, Illinois Central filed a Petition for a Supplemental Order requesting that \$5,707.08 of previously authorized GCPF assistance, be re-obligated to cover the amount of reimbursements it would be allowed to recover under a subsequently revised additive rate formula. A prior Supplemental Order granted an extension of time to complete the project.

The original Order was entered on June 2, 2010. The Order required IC to install new automatic flashing light signals and gates controlled by constant warning time circuitry at a crossing in Iroquois County. The Order allocated cost percentages among the parties, including GCPF assistance which was capped at \$170,025.00, but any installation costs above the total estimated cost of \$200,029.00 would be eligible for GCPF assistance in the same percentages subject to approval by the Commission.

Hearing was held on January 15, 2014. IC previously was reimbursed for costs totaling \$136,943.48 which covered the work required by the original Order. The remaining \$33,081.52 authorized GCPF assistance was subsequently de-obligated.

Subsequently, IC received notification from the FHWA and IDOT that IC would be allowed to increase their additive rates for work performed on or after January 1, 2010. On April 10, 2012, the Company submitted an updated final bill to collect money authorized under the new additive rates. The money the Company seeks in this matter is \$5,707.08 above that previously reimbursed. The total of the prior amount reimbursed and the additional amount requested is less than the original obligated GCPF amount. However, since the balance of the original amount has been de-obligated, a re-obligation of \$5,707.08 of GCPF assistance would be required.

Staff, IDOT and the City each have no objection. A Proposed Order was issued to all Parties and Staff. No exceptions were filed.

I recommend entry of the attached order approving the requested re-obligation of GCPF assistance.